



520.41064X00/NT0550US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Akira HAMAMATSU *et al.*  
Application No.: 10/050,776 (and/or RCE of 10/050,776)  
Filed: 18 January 2002  
For: APPARATUS AND METHOD FOR INSPECTING DEFECTS  
Art Unit: 2877  
Examiner: Michael Partick Stafira  
Conf. No: 9567

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

15 April 2005

Sir:

We, Akira HAMAMATSU, Minori NOGUCHI, Yoshida OOSHIMA, Hidetoshi NISHIYAMA and Tetsuya WATANABE, each a citizen of Japan, residing respectively at Yokohama, Mitsukaido, Yokohama, Fujisawa and Honjyou, Japan, respectively, UNEQUIVOCALLY DECLARE THAT:

1. We are the named inventors of the subject matter disclosed and claimed in the present US Application No. 10/050,776 filed 18 January 2002 (hereinafter present application).
2. We are aware of the Office Action mailed 15 October 2004 in the present application, and the rejection therein of claims 1-12, 26 and 29 (hereinafter rejected claims)

as being anticipated by the teachings of U.S. Patent Publication No. 2001/0030296 to Ishimaru *et al.* (hereinafter, applied patent publication).

3. In the rejection referred to above, the Examiner has relied on at least the following portions of the applied patent publication as disclosing subject matter in claims 1–12, 26 and 29 of the present application, *i.e.*, FIG. 1, Ref. Nos. 5, 8, 10, 11, 15 and 33; FIGS. 2a and 2b; FIG. 4; FIG. 5; FIG. 10; Pages 2 and 3, Paragraphs 0015 and 0017; Page 4, Paragraph 0062; Page 5, Paragraph 0067; Page 9, Paragraph 0095; and Page 10, Paragraph 0098–0100 (hereinafter, cited disclosure).

4. However, we unequivocally declare that such cited disclosure relied upon in the applied patent publication describe the invention(s) invented by inventors named in the present application, that is, Akira HAMAMATSU, Minori NOGUCHI, Yoshimasa OOSHIMA, Hidetoshi NISHIYAMA and Tetsuya WATANABE, and not the invention of inventors named in the applied patent publication, and not named as inventors in the present application.

5. We, as the inventors of the subject matter of the cited disclosure of the applied patent publication, disclosed this subject matter to the inventors named in the applied patent publication (*e.g.*, through common inventor Minori NOGUCHI named in both the applied patent publication and the present application).

6. The inventorship of the subject matter claimed in the present application is correct in that the applied patent publication includes subject matter (that is, the cited disclosure) disclosed to the inventors named in the applied patent publication and not named as inventors in the present application, by inventors named in the present application. That

is, the inventorship of the present application is correct in that the applied patent publication discloses (at the cited disclosure) subject matter derived from the inventors named in the present application.

The undersigned Declarants declare further that all statements made herein of his/her own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

May 11, 2005  
Date

Akira Hamamatsu  
Akira HAMAMATSU

May 11, 2005  
Date

Minoru Noguchi  
Minoru NOGUCHI

May 11, 2005  
Date

Yoshimasa Ooshima  
Yoshimasa OOSHIMA

May 13, 2005  
Date

Hidetoshi Nishiyama  
Hidetoshi NISHIYAMA

May 11, 2005  
Date

Tetsuya Watanabe  
Tetsuya WATANABE